

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In re:

Case No.: 6:15-bk-03448-KSJ
Chapter 11

ORLANDO GATEWAY PARTNERS, LLC

Debtor.

_____/

ORLANDO GATEWAY PARTNERS, LLC,

Plaintiff,

vs.

Adv. Pro. No. 6:15-ap-00084-KSJ

GOOD GATEWAY, LLC and SEG
GATEWAY, LLC,

Defendants/Third Party Plaintiffs,

_____/

RESPONSE TO GOOD GATEWAY, LLC'S AND SEG GATEWAY, LLC'S MOTION TO
REMAND (DOC 274)

1. On July 12, 2016, Good Gateway LLC ("Good") and SEG Gateway LLC ("SEG") filed a Motion to Remand ("Motion").

2. Upon information and belief, the attorney filing the Motion has not been hired by SEG Gateway, LLC.

3. BKGD, LLC recently purchased the Chapter 7 Trustee's interest in Orlando Gateway, LLC, a Georgia LLC, which was owned by Steven Smith when he filed his bankruptcy case in the Northern District of Florida. The attorney filing the Motion has not been hired by or on behalf of BKGD, LLC ("BKGD").

4. Further, the movants never ensured that the Removal Order was properly served by the party charged with service of the Removal Order and they have inappropriately relied upon said faulty service. Rather than ensure everyone who was

intended to be bound by the Removal Order ("Order") received service of the Order, they complain that an attorney, who was without notice of the entry of the Order, asserted months ago that the Order was not effective as to three Chapter 11 cases filed in the Northern District of Georgia and that his Court does not have jurisdiction. Service was never effectuated on said attorney or the entities in Chapter 11.

5. Both sides to this Adversary Proceeding have moved the case forward and should not be prejudiced by moving this adversary proceeding back to State Court since both sides agreed to have this Court hear this dispute and have acted toward moving the case forward.

6. In addition, undersigned counsel does not intend to appear in an Orlando based State Court proceeding on this matter and it seems inefficient and cumbersome to move this case again when most issues have already been decided.

7. The parties to this dispute have agreed to permit this Court to determine these matters and no one will be prejudiced by having the case remain with the Court intended by both parties to hear these matters.

8. The movants have had knowledge of the improperly served Removal Order for a number of months and have taken no action to have this matter brought to the Court. Rather, they seek to upend these proceedings.

9. The alleged movants have failed to include BKGD's attorneys on this Motion and continue to ignore BKGD's ownership and managing member's interest of SEG.

WHEREFORE Defendants respectfully request that this Honorable Court deny Good's Motion as moot and deny any requested relief by Good's attorneys since they

do not represent SEG.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court of the Middle District and Southern District of Florida, that I am in compliance with the additional qualifications to practice in the Southern District of Florida as set forth in Local Rule 2090-1(A) and that a true and correct copy of the foregoing was filed using CM/ECF and served this 27th day of July 2016: (i) via CM/ECF upon all parties registered to receive Notice(s) of Electronic Filing (NEF) in this bankruptcy case.

Moffa & Breuer, PLLC
Attorneys for Defendants
1776 N. Pine Island Rd. #102
Plantation, Florida 33322
Telephone 954-634-4733
FAX 954-337-0637
Email John@moffa.law

By: /s/ John A. Moffa
John A. Moffa
FBN 0932760
Stephen C. Breuer
FBN 99709